

## **Appendix III**

(Amended Petition to Comply with Rule Changes Adopted in 2012)

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	
	)	
Consumer Cellular, Inc.	)	WC Docket No. 09-197
	)	
Petition for Limited Designation as an Eligible	)	
<u>Telecommunications Carrier</u>	)	

**AMENDED PETITION FOR LIMITED DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER IN THE STATES OF ALABAMA, DELAWARE,  
CONNECTICUT, FLORIDA, NEW HAMPSHIRE, NEW YORK, NORTH CAROLINA,  
TENNESSEE, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA**

**CONSUMER CELLULAR, INC.**

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*Its Attorney*

April 2, 2012

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TENNESSEE, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA**

Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended, (“the Act”), and Section 54.201 of the Federal Communications Commission (“FCC” or “Commission”) rules, Consumer Cellular, Inc. (“Consumer Cellular” or “CCI”) files the instant Amended Petition seeking limited designation as an Eligible Telecommunications Carrier (“ETC”), for purposes of Section 214(e)(1) of the Act, in order to better serve low-income consumers in the States of Alabama, Delaware, Connecticut, Florida, New Hampshire, New York, North Carolina, Tennessee, the Commonwealth of Virginia, and the District of Columbia (collectively, the “FCC States”). Consumer Cellular is hereby amending its pending request for ETC designation<sup>1</sup> to include all of the FCC states, and to bring its request for limited ETC

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<sup>1</sup> *Consumer Cellular, Inc., Petition for Limited ETC Designation in the States of Connecticut, New York, North Carolina, Tennessee, and the Commonwealth of Virginia*, WC Docket No. 09-197, filed December 30, 2009. See also, *Consumer Cellular, Inc., Request to Amend Petition for Limited ETC Designation to Include Florida*, WC Docket No. 09-197, June 28, 2011. (together, “original ETC Petition”).

Designation into compliance with the FCC's recent rule changes to the Lifeline program and the obligations imposed on "Lifeline-only" ETCs.<sup>2</sup>

Consumer Cellular provides wireless service to its customers as a mobile virtual network operator ("MVNO"), using the network facilities of AT&T Mobility. As in its original ETC petition, Consumer Cellular seeks designation as an ETC throughout its non-Tribal service territory. Consumer Cellular will demonstrate in this Amended Petition, and through its Revised Compliance Plan (which it files concurrently with this Amended Petition, and incorporates by reference), that: 1) the State Commissions in the amended FCC States of Alabama, Delaware, New Hampshire, and the District of Columbia lack authority to designate wireless carriers as ETCs, and, under Section 214(e)(6) of the Act, the Commission has jurisdiction to perform the requested designation, 2) Consumer Cellular satisfies all requirements necessary to be designated a "Lifeline-only" ETC, and 3) it is in the public interest for the Commission to grant this Amended Petition.

#### **I. THE FCC HAS THE AUTHORITY TO PERFORM THE REQUESTED DESIGNATIONS**

In Exhibits 1-5 of its original ETC Petition, and as an attachment to its June 28, 2011 amendment, Consumer Cellular supplied affirmative statements from the States of Connecticut, Florida, New York, North Carolina, Tennessee, and the Commonwealth of Virginia that these jurisdictions lack the authority to perform the requested designations for wireless carriers. Accordingly, under Section 214(e)(6) of the Act, the FCC is the appropriate designating authority for wireless carriers.

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<sup>2</sup> *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking*, Docket Nos. 96-45, 03-109, 11-42, and 12-23, January 31, 2012 [rel. February 6, 2012]. ("Lifeline Reform Order" or "Order").

In Appendix I to this Amended Petition, Consumer Cellular provides affirmative statements from the States of Alabama, Delaware, New Hampshire, and the District of Columbia that these jurisdictions lack the authority to designate wireless carriers as ETCs. Thus, the FCC has the requisite authority under Section 214(e)(6) of the Act to designate Consumer Cellular as a Lifeline-only ETC in these amended jurisdictions. As explained in Section III of Consumer Cellular's original ETC Petition, Consumer Cellular is seeking designation as an ETC in the non-Tribal areas throughout its service territory in the FCC States.

## **II. CONSUMER CELLULAR SATISFIES ALL REQUIREMENTS NECESSARY TO BE DESIGNATED A LIFELINE-ONLY ETC**

In Section IV of its original ETC Petition, Consumer Cellular established that it was a common carrier, it would provide the supported services via resale pursuant to an anticipated grant of forbearance from the facilities requirements of Section 214(e)(1)(A) and the Commission's associated rules<sup>3</sup>, and that it would comply with the statutory advertising obligations. Since filing its original ETC Petition, the Commission has changed its definition of "supported services" required to be provided by ETCs. The Commission has also changed many of the relevant rules establishing requirements for ETC Designation, and the obligations of ETCs that participate in the Lifeline program. While Consumer Cellular relies broadly on its Revised Compliance Plan to explain how it will comply with all of the Commission's new and modified rules, Consumer Cellular will address all relevant service-related requirements of ETCs, not established previously, in this Section.

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<sup>3</sup> The Commission granted Consumer Cellular's Forbearance Petition on July 30, 2010. See *Telecommunications Carriers Eligible for Universal Service Support; Federal State Joint Board on Universal Service, Petitions for Forbearance of Head Start, Consumer Cellular, Midwestern Telecommunications, and Line Up, LLC*, Order, FCC 10-134, 25 *FCC Rcd.* 10510 (rel. July 30, 2010) ("CCI Forbearance Order").

### **A. Description of Consumer Cellular and Its Supported Service Offerings**

Consumer Cellular currently provides all of the Lifeline-supported services<sup>4</sup> to its existing, non-Lifeline, customer base. Consumer Cellular's mobile voice service, provided pursuant to its MVNO agreement with AT&T Mobility, includes voice grade access to the PSTN, minutes of local usage included for no extra charge, and the same access to emergency call routing that AT&T Mobility provides to its own retail customers. Consumer Cellular's mobile voice service does not automatically allow customers to make toll calls. The only toll service Consumer Cellular offers is international calling, but customers wishing to use this feature must separately make arrangements for CCI to activate this service. Customers can elect either: 1) to not activate toll calling (and have "toll blocking"), or 2) to limit toll consumption to a pre-arranged monthly amount ("toll control service"), for no extra charge. Finally, Consumer Cellular will provide its Lifeline customers with the same access to emergency calling (which is not assessed against service plans) and 911/E911 capable handsets (all handsets in CCI's inventory) that it currently provides to its existing customers.<sup>5</sup>

Consumer Cellular will make all of its current service plans (with the exception of its *Anywhere Casual* emergency plan) available to its Lifeline customers. Since Consumer Cellular does not anticipate offering any Lifeline services that are not otherwise available to the public, it is providing summary information regarding its service offerings, along with a link to its website.

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<sup>4</sup> 47 C.F.R. §54.101(a) (2012).

<sup>5</sup> Consumer Cellular made this commitment in its original ETC Petition, and in its original Compliance Plan, filed on August 29, 2010 as a condition to the Commission's *CCI Forbearance Order*.

Qualifying Lifeline customers will be able to choose among all of Consumer Cellular's positive minute plans, which include a variety of voice, text, and data plans and can be found on this link <http://www.consumercellular.com/Info/Plans> to its website. All plans available to Lifeline customers include local minutes of use. The Lifeline price is the normal retail plan price, less \$10.00 (the \$9.25 Lifeline reimbursement rounded up to the nearest dollar). Like all Consumer Cellular retail customers, Lifeline customers must pay a \$35 activation fee when purchasing a new handset. Additionally, Consumer Cellular will not charge its Lifeline customers a monthly number portability charge.<sup>6</sup>

#### **B. Advertising of Supported Services**

In addition to the prior statutory, and rule, requirements to advertise supported services broadly, the Commission adopted some additional marketing obligations in its *Lifeline Reform Order*. First, the Commission requires Lifeline-only ETCs to "publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service."<sup>7</sup> Second, ETCs must clearly disclose in all materials "that describe the Lifeline-supported service offering"<sup>8</sup> (1) that the offering is a Lifeline-supported service, (2) Lifeline is a government assistance program, (3) the benefit is non-transferable, (4) that only eligible consumers may enroll in the program, and (5) that the program is limited to one benefit per household, consisting of either wireline or wireless service.<sup>9</sup>

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<sup>6</sup> 47 C.F.R. § 54.401(e) (2012).

<sup>7</sup> *Id.* at § 54.405(b).

<sup>8</sup> *Order*, ¶ 275.

<sup>9</sup> 47 C.F.R. § 54.405(c).



Consumer Cellular will publicize the availability of its Lifeline-supported service in a manner reasonably designed to reach those that qualify for the service.<sup>10</sup> The company has nearly 16 years of experience marketing its services to target audiences and, overall, these efforts have met with considerable success. Consumer Cellular anticipates its Lifeline promotional initiatives will meet with similar results. CCI will include all required information in its Lifeline marketing materials, including web, print, radio, and television advertising.

**C. Consumer Cellular Will Comply With The Additional Requirements for Commission Designation of Lifeline-Only ETCs**

Consumer Cellular commits to complying with the additional requirements for Commission designation of Lifeline-only ETCs.<sup>11</sup> Specifically:

- (1) Consumer Cellular certifies that it will comply with the service requirements applicable to the services it provides.<sup>12</sup>
- (2) Consumer Cellular has the ability to remain functional in emergency situations pursuant to its MVNO agreement with AT&T Mobility. As CCI's underlying network provider, AT&T Mobility has the requisite back-up power supply to remain functional in emergencies, and the facilities necessary to ensure that it can handle traffic spikes.<sup>13</sup> AT&T Mobility also routes Consumer Cellular customers' 911/E911 calls in the same manner that it carries the same traffic for its own retail customers.

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<sup>10</sup> *Id.* at § 54.405(b).

<sup>11</sup> 47 C.F.R. § 54.202.

<sup>12</sup> *Id.* at § 54.202(a)(1)(i).

<sup>13</sup> *Id.* at § 54.202(a)(2).

(3) Consumer Cellular will continue to satisfy applicable consumer protection and service quality standards. As noted previously, Consumer Cellular has been ranked as the country's best "no contract", and best overall, wireless service provider over the last two years. Consumer Cellular's relationship with AARP, discussed in the following paragraph, helps to ensure that it provides a superior customer service experience to all its subscribers, because Consumer Cellular actively works with AARP to establish and monitor high standards for its wireless service offerings. Consumer Cellular also agrees to continue to abide by the CTIA® Consumer Code for Wireless Service.<sup>14</sup>

(4) Consumer Cellular is financially and technically capable of providing Lifeline service in compliance with the Commission's rules.<sup>15</sup> Consumer Cellular is one of the few post-paid MVNOs to survive and actually prosper in the highly competitive wireless industry. For the past 16 years, the CCI business model has been to focus on the senior market, grow the company gradually so as not to place undue stress on its operational capabilities, and avoid incurring debt. Today, the company is fast approaching one million customers, has one of the best customer-service reputations in the industry as illustrated by its #1 *Consumer Reports* ranking, and is debt-free.

Further evidence of Consumer Cellular's financial and technical capability of providing Lifeline service is its relationship with AARP. In order for a company as relatively small as Consumer Cellular to be chosen as the "exclusive wireless provider for AARP members," all aspects of its finances and operations were scrutinized closely by AARP for nearly two years before the contract was signed in August, 2008. Consumer Cellular continues to provide

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<sup>14</sup> 47 C.F.R. § 54.202(a)(3).

<sup>15</sup> *Id.* at § 54.202(a)(4).

monthly and annual reports to AARP to ensure it is capable, both today and in the future, of providing the best possible service to the organization's membership. The program itself has performed extremely well as AARP members have found tremendous value in the company's straightforward, low-cost rate plans and its exemplary customer service.

Finally, Consumer Cellular has a history of technical innovation. A few examples include the state-of-the-art Consumer Cellular website, which allows new customers to sign up for service quickly and easily and current customers to perform a variety of account management functions. The new CCI Android application, which enables customers to check usage amounts within seconds from their smartphones. The invoices CCI sends to AARP member-subscribers, which display the aggregate amount of savings they have accrued as a result of the program's special discount. And, as mentioned previously, the innovative automatic usage alerts CCI sends to customers to help them avoid costly overages.

The success of Consumer Cellular is based on its strong financial and technical capabilities. These same capabilities ensure that the company is well-qualified to offer Lifeline service in full compliance with the Commission's rules.

(5) In Section II. A., *supra*, Consumer Cellular provided information regarding the terms and conditions of its proposed Lifeline voice telephony service offerings.<sup>16</sup> Consistent with the Commission's rules, Consumer Cellular also discloses that it is a single corporation, has no holding company, or subsidiary companies, and does not do business under any other names.

#### **D. Consumer Cellular Will Guard Against Waste, Fraud, and Abuse**

As a prospective ETC, Consumer Cellular commits to cooperating with the FCC and the USAC administrator to protect the integrity of the USF. The most effective steps that Consumer

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<sup>16</sup> 47 C.F.R. § 54.202(5).

Cellular can take to achieve this goal will consist primarily of complying with the Commission's new rules. Consumer Cellular describes in detail, in Section III.C. of its accompanying Revised Compliance Plan, how it will implement the Commission's new procedures to prevent customers from receiving duplicate service, to ensure customer eligibility, and re-certify continued customer eligibility.

Consumer Cellular's efforts to implement the Commission's new rules will be centered around its Lifeline customer application/certification form, which is attached as Appendix II. All Lifeline applicants will be required to provide the information required in the attached application form, and make the required certifications before the application can be processed. The actual form in which the information/certifications will be collected depends upon how the applicant contacts Consumer Cellular (online or telephone) and whether or not the applicant is an existing Consumer Cellular customer. For example, because Consumer Cellular already has certain information from its existing customers, an existing customer will see different fields if applying online. Likewise, a customer seeking to apply over the phone will have to orally attest to the information being provided, and Consumer Cellular will collect an IVR record of the customer's certification.

The initial information collected from the customer will be submitted to the USAC administrator in order to determine whether the customer's household is already receiving a Lifeline supported service. The additional information in the application form will allow Consumer Cellular to determine a customer's eligibility, using a state or (in the future) national eligibility database. Even if the customer fails to qualify during the application process (through database checks), the information gathered from the application allows Consumer Cellular to process the customer's information more quickly in the future. The application process itself

will help to protect the integrity of the Fund, because it will inform the customer of what kind of information Consumer Cellular needs in order to verify the customer's eligibility, and it notifies Consumer Cellular of what information to expect and that the customer is aware of the customer's obligations (to provide accurate information, to notify Consumer Cellular of changes in the consumer's account/eligibility, and to expect to have to re-certify eligibility at the correct time).

In addition to the measures required by the Commission's rules, Consumer Cellular will also take other actions to ensure that only eligible customers are enrolled in Lifeline. The single biggest difference between Consumer Cellular and other providers is that all Lifeline customers—even new customers—must first become Consumer Cellular customers before they can be enrolled in the Lifeline program. This feature means that in order to become a regular customer of Consumer Cellular, the company will accept an applicant's information and then submit this information to a postal address database, and one to two credit scoring firms.

While a consumer with an active debit or credit card will not be denied service based on the results of credit scoring, the information gathered from these additional sources may provide Consumer Cellular with more information than was on the customer's application form. This additional information may better assist Consumer Cellular in qualifying the customer for service under the program the consumer was planning to apply, or it may allow Consumer Cellular to be able to ask questions that allow CCI to determine if the customer participates in another program which can be verified online. Similarly, a credit check may discover address discrepancies that would not be apparent based on a simple "duplicate" cross-check.

The bottom line is that Consumer Cellular will use the information it obtains from the customer to access the databases it is required to check, but that it will also use its own databases

that it uses for its other retail customers. If an otherwise-deserving customer is getting unfairly rejected from Lifeline participation, then having more information—which CCI will have through its normal customer intake process—is more likely to solve the customer’s problem than to exacerbate it. The end result being that more information—uniquely gained from Consumer Cellular’s designation as an ETC—will help protect the integrity of the Fund, and will help move deserving customers into the affordable service that Congress wants them to have.

Furthermore, for all customers seeking Consumer Cellular’s Lifeline discount, the company will have specially trained sales and service representatives who understand the process, and can help get the customer closer to service activation in the quickest way possible. These same service representatives will be the team that handles eligibility information coming in through the mail. Once they are able to conclude that a customer has successfully completed their application, these service professionals stand ready to get the best combination of phone and plan in the customer’s service as quickly as possible.

### **III. APPROVING CONSUMER CELLULAR’S AMENDED PETITION WILL PROMOTE THE PUBLIC INTEREST**

Consumer Cellular, in both this Amended Petition and its Revised Compliance Plan, has demonstrated that approval of its Revised Compliance Plan and this Amended Petition for Limited Designation as an ETC in the FCC States will serve the public interest by allowing a new and unique competitor into a market segment that encompasses a significant, and growing, percentage of lower-income Americans. According to a new Census Bureau measure of poverty, released last November, one in six Americans 65 or older now live in conditions of economic

deprivation.<sup>17</sup> America's seniors are a significant portion of the U.S. population that have not been specifically targeted by any of the previous wireless resellers for which the Commission has granted limited ETC designation.

Additionally, limited designation of Consumer Cellular as an ETC in the FCC States would have no material impact on the Universal Service Fund, much less an adverse impact on the Fund. Consumer Cellular will offer service in compliance with all the Commission's new rules so as to limit the chances of serving customers that are not qualified, eligible, and intended to benefit from the Lifeline program.

Consumer Cellular has shown that America's elderly are more likely to qualify for the Lifeline program than many other demographic groups, that our senior citizens lag the majority of the population in mobile phone adoption, and yet might realize even greater benefits in terms of safety, attachment, and security than other Americans through access to mobile phones.<sup>18</sup> Not only does Consumer Cellular specialize in helping older Americans understand and embrace mobile technology, but Consumer Cellular's postpaid service is easier to use for a segment of the population that might not be able to get to a retail store in order to obtain a mobile phone, or to add minutes to their cellular plan.

By approving this Amended Petition and the accompanying Revised Compliance Plan, the FCC can increase the benefits of competition that the Commission has made possible through its more inclusive policies regarding Lifeline participation by MVNOs. It is, therefore, beyond

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<sup>17</sup> Supplemental Poverty Measure: 2010, U.S. Census Bureau, November 2011. Available at: [http://www.census.gov/hhes/povmeas/methodology/supplemental/research/Short\\_ResearchSPM2010.pdf](http://www.census.gov/hhes/povmeas/methodology/supplemental/research/Short_ResearchSPM2010.pdf)

<sup>18</sup> Consumer Cellular, Inc., *Petition for Limited ETC Designation*, filed December 30, 2009, p. 4.

question that Commission approval of Consumer Cellular's request for a limited ETC designation in the FCC States would benefit the public interest.

**IV. ANTI-DRUG ABUSE CERTIFICATION**

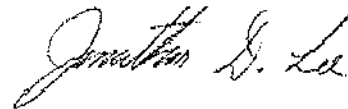
Consumer Cellular certifies that no party to this Petition is subject to denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

\* \* \*

As Consumer Cellular has demonstrated above, grant of this Petition providing Consumer Cellular with limited ETC designation to participate in the Lifeline program is consistent with the Act, Commission rules, and the public interest. For these reasons, Consumer Cellular respectfully requests that the FCC designate it as an ETC in the FCC States.

Respectfully submitted,

**CONSUMER CELLULAR, INC.**



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April 2, 2012



## **Appendix I**

(Affirmative Statements of the AL, DC, DE, and NH Commissions)

# Alabama Public Service Commission

## Orders

PINE BELT CELLULAR, INC. and PINE BELT PCS,  
INC.,

Joint Petitioners

PETITION: For ETC status and/or clarification  
regarding the jurisdiction of the Commission to grant  
ETC status to wireless carriers.

DOCKET U-4400

### ORDER

#### BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214 (e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED That this order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12<sup>th</sup> day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary



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### DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

#### DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition Currentness

Division V. Local Business Affairs

Title 34. Public Utilities. (Refs &amp; Annos)

Subtitle V. Telecommunications.

Chapter 20. Telecommunications Competition. (Refs &amp; Annos)

#### ➔§ 34-2006. Exemptions.

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

(c) This chapter shall not:

- (1) Apply to the provision, rates, charges, or terms of service of Voice Over Internet Protocol Service or Internet Protocol-enabled Service;
- (2) Alter the authority of the Commission to enforce the requirements as are otherwise provided for, or allowed by, federal law, including the collection of Telecommunications Relay Service fees and universal service fees;
- (3) Alter the authority of the Office of Cable Television and Telecommunications with respect to the provision of video services in the District of Columbia; or
- (4) Alter the Commission's existing authority over the regulation of circuit-switched local exchange services in the District of Columbia.

#### CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736; June 5, 2008, D.C. Law 17-165, § 3(c), 55 DCR 5171.)

#### HISTORICAL AND STATUTORY NOTES

##### Prior Codifications

1981 Ed., § 43-1456.

##### Effect of Amendments



STATE OF DELAWARE  
**THE PUBLIC SERVICE COMMISSION**  
861 SILVER LAKE BOULEVARD, SUITE 100  
CANNON BUILDING  
DOVER, DELAWARE 19904

October 21, 2011

**VIA ELECTRONIC MAIL**

Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005

RE: Delaware's Status as a Default State for the Federal Lifeline/Link-Up Program

Dear Mr. Steinhart:

I received your letter on behalf of Q Link Wireless LLC requesting clarification on Delaware's competitive eligible telecommunication carrier process. This is to confirm that Delaware is a "default" state and, therefore, it is the FCC, and not Delaware, that determines eligibility to receive the federally-subsidized price reductions. I am attaching the October 11, 2005 Order in PSC Docket No. 05-016T that discusses this issue in a Verizon Delaware, Inc. docket.

I will attach these documents to an email so that you will receive them expeditiously. If you would also like hard copies of the documents by mail let me know by e-mail and I will forward them to you.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. F. O'Brien".

William F. O'Brien  
Executive Director

THE STATE OF NEW HAMPSHIRE

CHAIRMAN  
Thomas B. Getz

COMMISSIONERS  
Clifton C. Below  
Amy L. Ignatius

EXECUTIVE DIRECTOR  
AND SECRETARY  
Debra A. Howland



PUBLIC UTILITIES COMMISSION  
21 S. Fruit Street, Suite 10  
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TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

March 28, 2011

**RE: ETC Certification in New Hampshire**

The federal Universal Service Fund (USF) was created by the Federal Communications Commission (FCC) to promote the availability of quality services at just and reasonable rates to all consumers including low-income customers and those in high cost areas and to increase nationwide access to advanced services in schools, libraries and rural health care facilities. To qualify for universal service funding a carrier must first be certified as an Eligible Telecommunications Carrier (ETC) by the state public utilities commission or, if the state does not assert this authority, by the FCC. *See* 47 U.S.C. §214 (e).

The New Hampshire Public Utilities Commission maintains authority to determine whether landline telecommunications carriers qualify as ETCs. Pursuant to New Hampshire RSA 362:6, the Commission has no jurisdiction over mobile radio communications services. Consequently, the state declines jurisdiction over the certification of wireless carriers as ETCs, leaving that responsibility to the FCC.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Anne Ross".

F. Anne Ross

General Counsel

New Hampshire Public Utilities Commission

## APPENDIX II

# Consumer Cellular

### Lifeline Certification Form

Important: please read carefully. You must provide all of the information requested in order for your application to be processed. Incomplete applications will not be processed until completed, which will delay service activation.

Consumer Cellular is able to offer discounted wireless service to customers that qualify for the Federal government's Lifeline assistance program. The terms of this program limit Lifeline discounts to only one telephone number per household. Household is defined as one or more related, or unrelated, adults who share in household income and expenses. This benefit is only available to applicant's household, and is not transferable.

By completing this form, the applicant gives Consumer Cellular permission to share relevant information with the federal and state authorities responsible for administering the program. Applicants will be asked to certify the accuracy of this application, and applicants will be asked to supply proof of participation in any qualifying program, or provide proof of income eligibility in the event Consumer Cellular cannot independently verify eligibility.

#### Personal Information

Name: _____
Social Security # (last 4 digits): _____
Full Address (no P.O. Box): _____
City: _____
State: _____
Zip Code: _____
Is address permanent or temporary? _____
Mobile Phone (for transfers of service): _____
Consumer Cellular Customer: Yes____ No____
Date of Birth: _____
Billing Address (if different): _____
City: _____ State: _____ Zip: _____

**Eligibility for Consumer Cellular Lifeline Service: Government Assistance Program Participation**

Please indicate which of the following programs you receive benefits under. I attest, under penalty of perjury, that I participate in the following government assistance program(s) (check all that apply):

\_\_\_ Supplemental Nutrition Assistance Program (SNAP)

\_\_\_ Temporary Assistance for Needy Families

\_\_\_ Supplemental Security Income (SSI)

\_\_\_ Low-Income Heat & Energy Assistance (LIHEAP)

\_\_\_ Medicaid

\_\_\_ Homestead Act (Public Housing)

\_\_\_ National School Lunch Program

\_\_\_ Other (Describe): \_\_\_\_\_

*Instructions for submitting Proof of Eligibility can be found at the end of the application form.*

**Eligibility for Consumer Cellular Lifeline Service: Household Income**

If you don't qualify through participation in a program, service assistance is still available if your household earns less than the annual income guidelines below. I attest, under penalty of perjury, that my household income is at or below 135% of the federal poverty guidelines for the number of persons in my household. \_\_\_\_\_ (Initial)

Number of persons in household (initial and circle): \_\_\_1\_\_\_ \_\_\_2\_\_\_ \_\_\_3\_\_\_ \_\_\_4\_\_\_ \_\_\_5\_\_\_  
\_\_\_6\_\_\_ \_\_\_7\_\_\_ \_\_\_8\_\_\_

Income limit by household size (number of persons):

1 - \$14,702   2 - \$19,858   3 - \$25,016   4 - \$30,173   5 - \$35,330   6 - \$40,487   7 - \$45,644  
8 - \$50,801

*If you are applying for Consumer Cellular Lifeline Service based on income, you must provide proof that your income meets the eligibility criteria. Such proof can be in the form of prior year's tax return, current income statement from employer (pay stub), Social Security/VA/Tribal benefit statement, or other official document containing income information. Instructions for submitting*

*Proof of Eligibility can be found at the end of the application form.*



# Consumer Cellular

## Lifeline Applicant Authorization and Certification

Please initial where applicable.

\_\_\_ My household does not receive a Lifeline service discount for any other wireless or wireline phone number. A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses.

\_\_\_ I authorize Consumer Cellular to be my cellular phone carrier for my Lifeline service. If I currently receive another wireless or wireline Lifeline discount, I have provided that number to Consumer Cellular and wish to transfer my service to Consumer Cellular.

\_\_\_ I attest under penalty of perjury that the information herein is true and correct to the best of my knowledge. I understand that Lifeline is a federal government benefit program and that intentionally making false statements in order to obtain this benefit can be punished by fine or imprisonment or I may be barred from the program.

\_\_\_ I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the program, and could result in criminal prosecution by the United States government.

\_\_\_ I consent to having Consumer Cellular share my contact information (name and address) with the Universal Service Administrative Corporation (USAC) to help verify that I am not in violation, either now or in the future, of the requirement that Lifeline service is available for only one line per household.

\_\_\_ I understand that I must notify Consumer Cellular and provide my new address within 30 days of moving.

\_\_\_ I understand that I must notify Consumer Cellular within 30 days if (1) I cease to participate in a federal or state qualifying program or my annual household income exceeds 135 percent of the federal poverty guidelines; (2) I receive more than one Lifeline-supported service; or (3) I for any other reason no longer satisfy the criteria for receiving Lifeline support. I understand that I will be subject to penalties if I fail to follow this notification requirement, including being de-enrolled from the Lifeline program.

\_\_\_ I understand and acknowledge that Lifeline service is a non-transferable benefit and that I may not transfer my service to any other individual, including another low-income consumer.

\_\_\_ I acknowledge that I will be required to re-certify my eligibility for Lifeline benefits annually, and I may be required to re-certify my continued eligibility for Lifeline at any time, and that failure to do so will result in the termination of my Lifeline benefits.

**Instructions for submitting Proof of Eligibility**

Individuals required to submit Proof of Eligibility for the Consumer Cellular Lifeline program may do so (1) by scanning and transmitting the document(s) electronically with the application form, (2) by faxing the document(s) with the application form to 503-XXX-XXXX, or (3) by mailing the document(s) with the application form to: Consumer Cellular, Lifeline Administration, 7204 SW Durham Road, Suite 300, Portland, Oregon 97224.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_